

City Council Introduction: **Monday**, March 3, 2003
Public Hearing: **Monday**, March 10, 2003, at **1:30 p.m.**

Bill No. 03-39

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3393**, from I-1 Industrial District to B-3 Commercial District, requested by B & J Partnership, Ltd., on property located at 1019 North 27th Street (½ block south of Y Street).

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/19/03
Administrative Action: 02/19/03

RECOMMENDATION: Approval (6-0: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn voting 'yes'; Krieser, Larson and Steward absent).

FINDINGS OF FACT:

1. The staff recommendation of approval is based upon the "Analysis" as set forth on p.5-6, concluding that this change of zone request to B-3 Commercial is consistent with the Comprehensive Plan and the approved subarea plan, and would support redevelopment activities proposed for the site.
2. The applicant's testimony is found on p.7.
3. There was no testimony in opposition.
4. On February 19, 2003, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval of this change of zone request.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 24, 2003

REVIEWED BY: _____

DATE: February 24, 2003

REFERENCE NUMBER: FS\CC\2003\CZ.3393

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3393

DATE: February 3, 2003

SCHEDULED PLANNING COMMISSION: February 19, 2003

PROPOSAL: A change of zone from I-1 Industrial District to B-3 Commercial District

LAND AREA: Approximately 0.55 acres

CONCLUSION: This change of zone request to B-3 is consistent with the Comprehensive Plan and the approved subarea plan and would support redevelopment activities proposed for the site.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 7, 8, 9 & 10, Block 1, Tresters Addition and vacated North-South alley, located in the SE 1/4 of Section 24, Range 10 Township 6, Lancaster County, Nebraska.

LOCATION: 1019 North 27th Street (½ block south of Y Street)

APPLICANT: Clay F. Smith
B & J Partnership, Ltd
P.O. Box 81906
Lincoln, NE 68501

OWNER: Same

CONTACT: Same

EXISTING ZONING: I-1 Industrial District

EXISTING LAND USE: Commercial/Industrial (Adjacent to Abandoned Railroad Spur)

SURROUNDING LAND USE AND ZONING:

North:	Commercial/Industrial	B-3/I-1
South:	Industrial	I-1 (Abandoned Railroad Spur)
East:	Industrial	I-1
West:	Commercial/Industrial	B-3/I-1

HISTORY:

1979 Zoning Update	This property was converted from K Light or L Heavy Industrial District to I-1 Industrial
June, 1997	<i>The North 27th Corridor Plan</i> was incorporated as an approved subarea plan of the Comprehensive Plan.
March, 1998	North 27 th Street Redevelopment Plan (as amended)

COMPREHENSIVE PLAN SPECIFICATIONS (related to this property):

Land Use Plan designates this area as Industrial/Commercial. (page F 25)

“Commercial: Areas of retail, office and service uses. Commercial may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each are designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all elements of the Comprehensive Plan.” (page F 22)

“Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominantly industrial districts, such as office, retail or warehouses.” (page F 22)

“The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses.” (page F 27)

“Buildings and land uses at the edge of the center should be compatible with adjacent residential uses. Examples of compatible land uses include offices or child care centers. Buildings should be compatible in terms of height, building materials and setback. Small compatible commercial buildings at the edge could include retail or service uses. Buildings with more intrusive uses should have greater setbacks, screening requirements and be built of more compatible materials.” (page F 42)

“Citizens of the community have become increasingly concerned about “light pollution” and its affects upon neighborhoods and the environment. Lighting, dumpsters, loading docks and other service areas should be shielded from the residential area.” (page F 42)

“Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented.” (page F 49)

“Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.” (page F 49)

“Encourage efforts to find new uses for abandoned, under utilized or “brownfield” sites that are contaminated.” (page F 49)

“3. Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).” (page F 69)

“Another major factor in health care is the expansion of medical office space throughout Lincoln. Recently, new medical office buildings have been constructed in both the southern and northern portions of the city. This trend is likely to continue into the immediate future as the demand for health care services increases as a result of the community’s growing and aging population base.” (page F 131)

“Subarea Planning – The Comprehensive Plan provides broad guidance for achieving the community’s stated Vision. Putting details to the Plan takes additional effort. One means of doing this is through the preparation of subarea plans. Subarea plans offer greater details about the intended future of an area of the community—including land uses, infrastructure requirements, and development policies and standards. Many of these subarea plans are prepared by the City-County Planning Department, while some are prepared by other agencies and departments. Subarea plans from the previous (1994) Comprehensive Plan carried over as part of this Comprehensive Plan include:

- North 27th Street Corridor Plan, RDG Crose Gardner Shukert, April 1997.” (page F 156)

THE NORTH 27th STREET CORRIDOR PLAN SPECIFICATIONS (related to this property):

“Pedestrian safety and environment: The 27th and Y intersection has become a major neighborhood approach route to the 27th Street corridor. Pedestrian safety has improved here with the installation in 1996 of a traffic signal at the intersection. However, the corridor itself is highly auto-oriented and has few pedestrian amenities.” (page 27)

“The commercial strip pattern along 27th Street is interrupted by an industrial corridor, surrounding the Union Pacific spur. Industrial development along this spur is generally concentrated west of 27th Street. Some buildings and parcels along the corridor are currently vacant, providing possibilities for redevelopment.” (page 28)

“The future viability and use of the railroad and industrial corridor. While some corridor industries are strong, in other cases, vacant land or buildings create major opportunities for the areas future.” (page 29)

“Traffic function and conflicts. The combination of streetcar commercial buildings, auto-oriented commercial development with independent parking, and medians and intersection channelization create conflicts between local and through traffic on 27th Street and produce awkward traffic movements. This obsolete pattern may eventually be improved with further redevelopment and property improvement.” (page 29)

“Improved street landscaping where possible along parking lots or in conjunction with new developments.” (page 38)

“Using pedestrian-scale lighting and graphics along 27th Street.” (page 38)

“Providing clear paths from adjacent neighborhoods to the 27th Street corridor and activity centers near or along 27th Street.” (page 38)

“Requiring new projects to provide direct connection from front door of business to 27th Street sidewalks. Design which require pedestrian to cross parking lots in order to get businesses should be discouraged.” (page 38)

“Whenever possible, encourage project designs which place commercial buildings rather than parking lots along the street. Setbacks should be adequate to provide for separation from traffic and adequate landscaping; however, the pedestrian should be engaged with the building, rather than parking lots. Parking should generally be developed to the side or rear of commercial buildings.” (page 38)

North 27th Street Corridor Plan, Concept Plan Map, identifies this general location with “New Office/ Commercial.”

“Possible redevelopment of vacant or underused industrial buildings north of the railroad corridor on the west side of 27th Street.” (page 43)

“Conceptual Site Plan of Railroad Corridor identifies this property as New Office/ Commercial.” (page 49)

UTILITIES: This area is within the Future Service Limit of the Comprehensive Plan. All utilities are available or planned for this area.

TOPOGRAPHY: The topography is flat across the site.

TRAFFIC ANALYSIS: North 27th Street is classified as a minor arterial adjacent to this site. The Comprehensive Plan states that “This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis, on land access. These are characterized by moderate to heavy traffic volumes. (page F 102 - B. Minor Arterials).

PUBLIC SERVICE: This area is served by City of Lincoln public safety services and utilities, and by Lincoln Public Schools.

ENVIRONMENTAL CONCERNS: n/a

AESTHETIC CONSIDERATIONS: See above section on *The North 27th Street Corridor Plan* specifications.

ANALYSIS:

1. This request is for a change of zone from I-1 to B-3.

2. The structure located on this property does not appear to be of any historical and architectural significance.
3. The City Council adopted the 2025 Lincoln-Lancaster Comprehensive Plan which incorporated *The North 27th Street Corridor Plan* as a subarea plan on May 28, 2002. Future redevelopment of this area should be consistent with the guidelines identified in *The North 27th Street Corridor Plan*.
4. This application is at the request of the owner of the property who is seeking a change of zone from I-1 Industrial to B-3 Commercial. The purpose of the change of zone is to facilitate the redevelopment of the former broom factory building and retail battery store building presently owned by the applicant, along with a vacant pawn shop building which the City of Lincoln has acquired. The three buildings are part of a redevelopment project initiated by the Urban Development Department - B & J Partnership Ltd., has been selected the developer of record to carry out the redevelopment plan.
5. The proposed redevelopment plan includes demolishing these buildings and replacing with new buildings for a public health clinic office and/or retail uses. The applicant believes the redevelopment can be best accomplished by extending the B-3 zoning district and eliminating the industrial I-1 zoning district. In addition, the applicant believes the new zoning will protect the interests of the surrounding neighborhood.
6. Urban Development Comments: The I-1 zoning was appropriate when the railroad line was active. However, since removal of the tracks and given the potential for redevelopment along the former railroad line, the change of zone to B-3 is most appropriate. The change of zone to B-3 is consistent with *The North 27th Street Corridor and Environs Redevelopment Plan*.
7. The proposed project is consistent with the guiding principles in *The North 27th Street Corridor and Environs Redevelopment Plan*, which was found in conformance with the Comprehensive Plan in September 2002. This Plan was developed in partnership with surrounding neighborhoods and business owners along North 27th Street. The redevelopment plan is based on an approved Subarea Plan, *The North 27th Street Corridor Plan*.
8. *The North 27th Street Corridor and Environs Redevelopment Plan specifications:*
These parcels are located within an approved redevelopment area. The redevelopment activities identified for these parcels include demolition of the deteriorated commercial buildings, and replacement with retail/office buildings. The proposed land use plan for the North 27th corridor shows these parcels as commercial.
9. This change of zone will serve to enhance compatibility among future land uses by ensuring there is uniform zoning across the lots involved in the proposed redevelopment project which are planned to be under single ownership.

Prepared by:

Duncan Ross, AICP
Planner

CHANGE OF ZONE NO. 3393

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 19, 2003

Members present: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn; Krieser, Larson and Steward absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed by the Commissioners.

Proponents

1. Kent Seacrest appeared on behalf of the applicant, **B & J Partnership**. This change of zone also involves a proposed redevelopment project that is anticipated to be on first reading and public hearing before the City Council one week from Monday (March 3, 2003). This proposal talks about taking down three very difficult buildings along No. 27th near Y Street—the old broom factory, the building next to it which used to be a pawn shop (which the city owns at the moment), and a gas station. The Redevelopment Plan calls for removal of all three buildings with B & J Partnership (being the redeveloper of record) constructing two buildings, one being a health care clinic and the other being some type of retail or office building. It is believed that the B-3 zoning is more appropriate with those types of uses and that the I-1 is not in the neighborhood's best interests. The Planning and Urban Development Departments support this request.

There was no testimony in opposition.

Public hearing was closed.

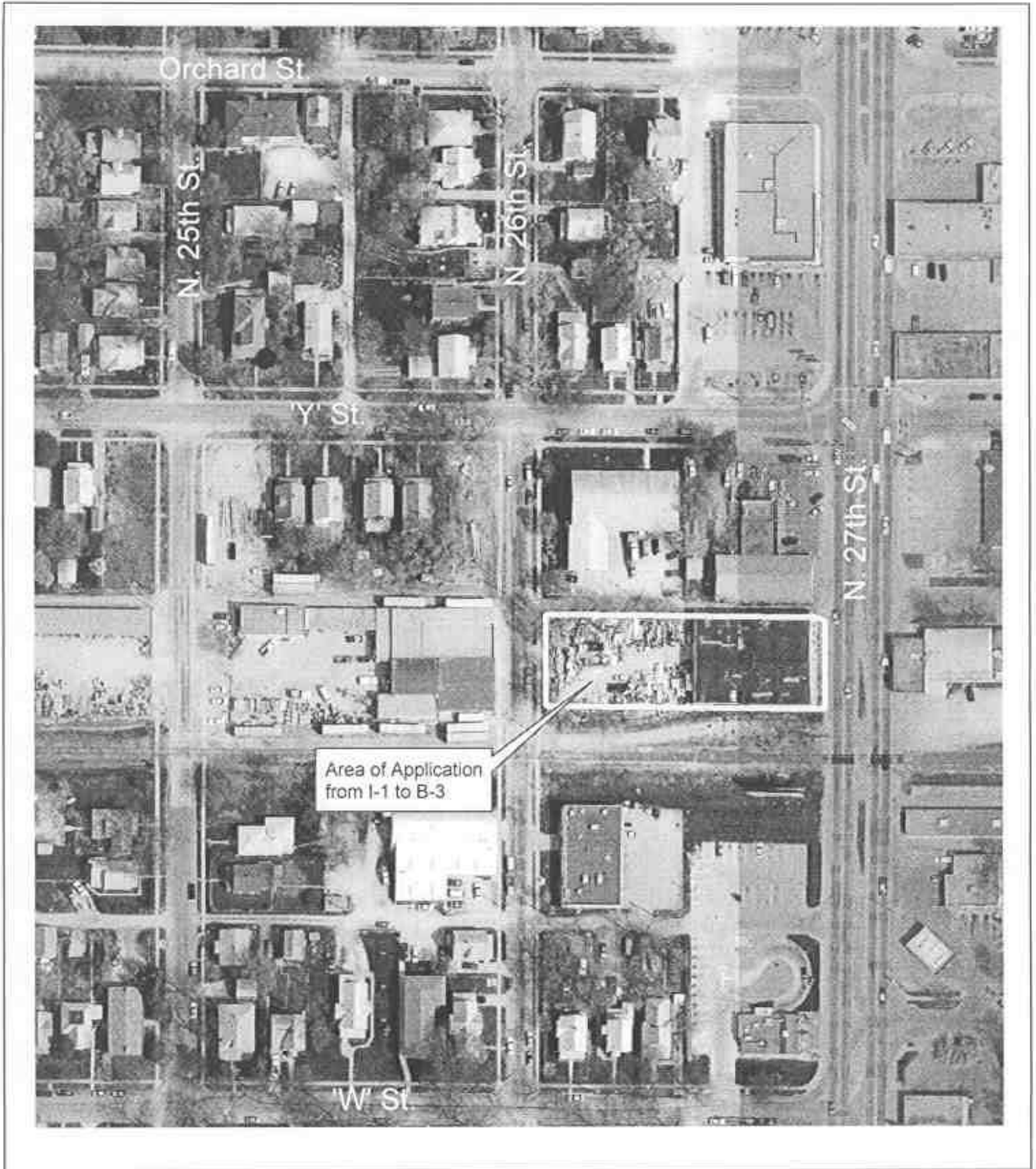
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 19, 2003

Bills-Strand made a motion for approval, seconded by Newman.

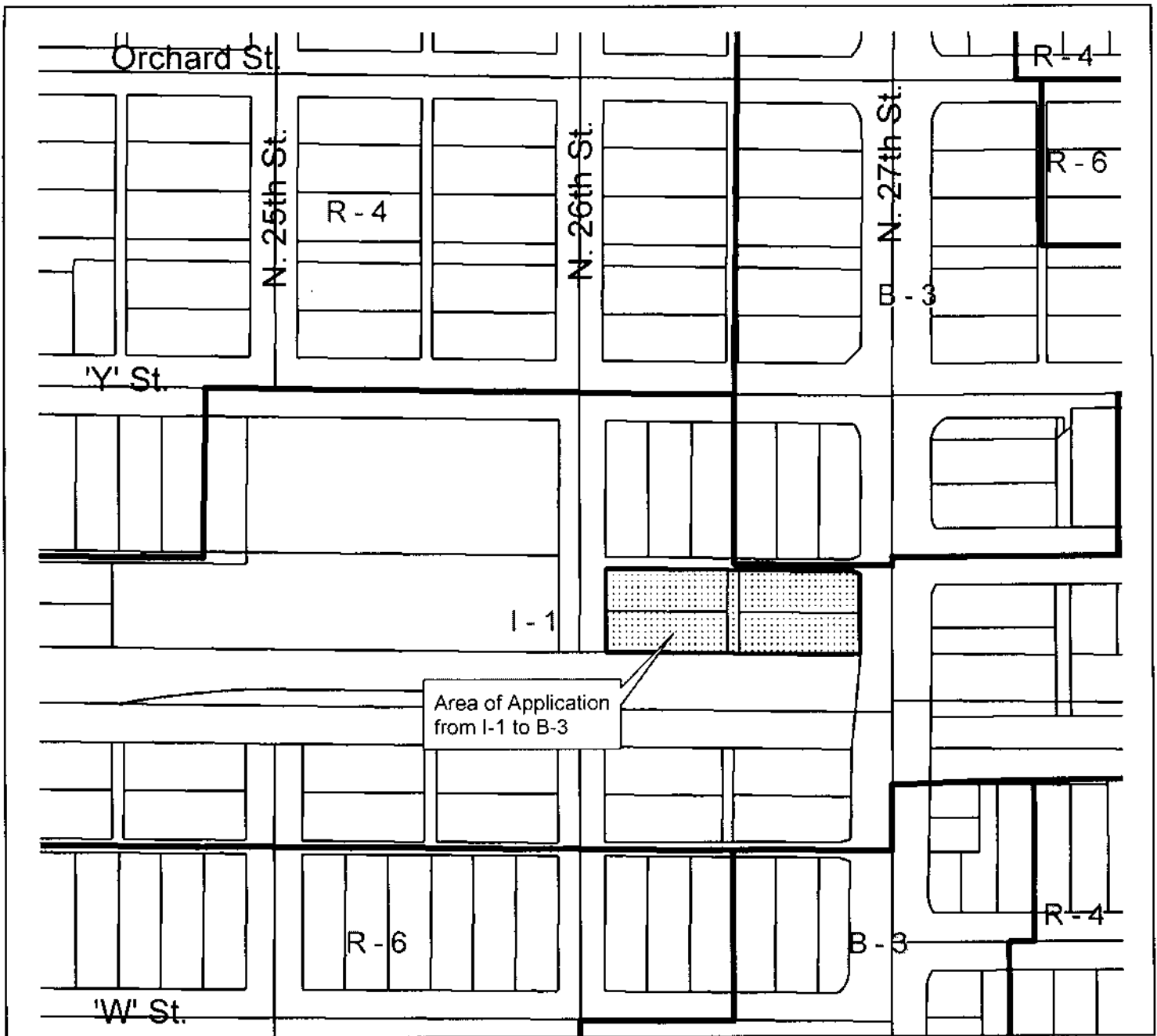
Duvall supports this kind of private activity doing public good. This will be a commendable project and he would like to see more of it.

Motion for approval carried 6-0: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn voting 'yes'; Krieser, Larson and Steward absent.



Change of Zone #3393
N. 27th & 'Y' St,





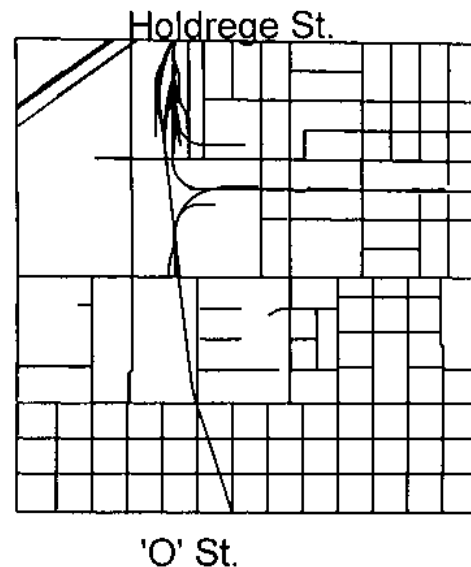
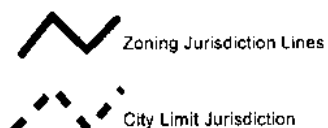
Change of Zone #3393

N. 27th & 'Y' St,

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 24 T10N R6E



009



B & J Partnership, Ltd.

P.O. Box 81906 Lincoln NE 68501

340 Victory Lane Lincoln NE 68528

Phone 402.323.3100 Fax 402.323.3101

January 22, 2003

City of Lincoln Planning Department
Attn: Abby

VIA FAX 441.6377

FAX TRANSMISSION IS 2 PAGES

RE: Application for Change of Zone for 1017 North 27th Street

Dear Abby,

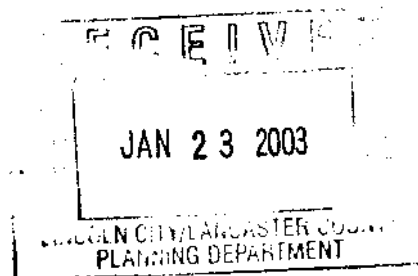
The purpose of this letter is to confirm that the attached City Of Lincoln Zoning Application should have indicated that the requested change of zone was from I-1 to B-3 and not from I-1 to B-2.

Thank you very much for bringing this typographical error to our attention.

With best wishes,

Michael J. Tavlin
Chief Financial Officer

Cc: Mr. Clay Smith
General Partner



**B & J PARTNERSHIP, LTD.
P. O. Box 81906
LINCOLN, NE 68501**

January 29, 2003

City of Lincoln Planning Department
Attn: Duncan Ross

VIA FAX 441.6377

FAX TRANSMISSION IS 1 PAGE

RE: Application for Change of Zoning

Dear Mr. Ross:

This letter is written in response to a telephone call I received yesterday from your office. A request was made that B&J provide additional information or background regarding the requested change of zoning for the North 27th Street properties.

The purpose of the rezoning is to permit the redevelopment of the old broom factory building and an old retail battery store building presently owned by the applicant, along with an old pawn shop building which the City of Lincoln has acquired. The three buildings are part of a redevelopment project the City Urban Development Department has initiated. The applicant has been selected to be the developer of record to carry out the redevelopment plan.

The proposed redevelopment plan includes a public health clinic, office and retail uses. Both the developer of record and the City Urban Development Department believe the redevelopment can best be accomplished by extending the B-3 zoning and eliminating the industrial I-1 zoning. In turn, the new zoning pattern will best accommodate and protect the interests of the surrounding neighborhood.

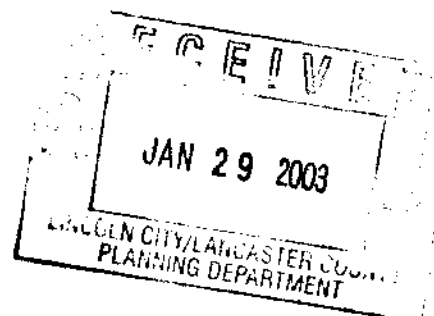
Please do not hesitate to contact me directly at 402.323.3122 if you have further questions or if you would like to receive additional information.

With best wishes,



Michael J. Tavlin
Chief Financial Officer

Cc: Mr. Kent Seacrest



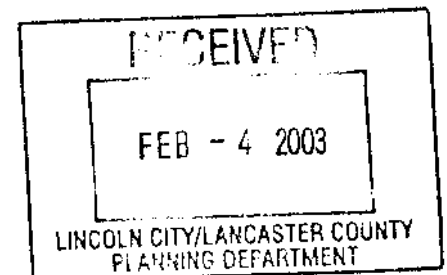
M E M O R A N D U M

To: Duncan Ross, AICP, Planner
From: Wynn Hjermstad, AICP, Community Development Manager
Date: February 3, 2003
Subject: Application No. CZ 3393
cc: Marc Wullschleger, Director, Urban Development Department

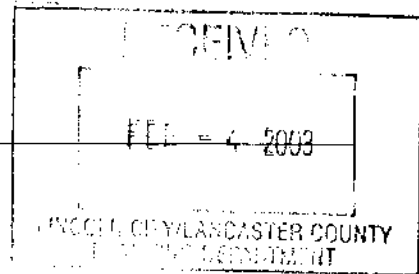
On behalf of the Urban Development Department, thank you for the opportunity to comment on Application No. CZ 3393, request by B & J Partnership to rezone the property at 1017 North 27th Street from I-1 to B-3. The Urban Development Department supports this application.

The I-1 zoning was appropriate when the railroad line was active. However, since removal of the tracks and given the potential for redevelopment along the former railroad line, the rezoning to B-3 is most appropriate. It is also consistent with the North 27th Street Redevelopment Plan that this property be zoned B-3.

Again, thank you for the opportunity to comment. Please contact me at 441-8211 or whjermstad@ci.lincoln.ne.us if you have questions.



M e m o r a n d u m



To: Duncan Ross, Planning Department

From: Charles W. Baker, Public Works and Utilities *CBH*

Subject: Change of Zone #3393, 1017 North 27th

Date: February 3, 2003

cc: Randy Hoskins
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for the Change of Zone from I-1 to B-3 at the property located at 1017 North 27th Street and has no objection.